BEFORE THE STRUCTURAL PEST CONTROL BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2015-24

MARY E. NUNO

3240 Eagle Peak Court Stockton, CA 95212 Field Representative No. FR 44550

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 26, 2015

It is so ORDERED March 27, 2015

FOR THE STRUCTURAL PEST CONTROL BOARD

DEPARTMENT OF CONSUMER AFFAIRS

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8	Attorneys for Complainant	
9	BEFORE THE STRUCTURAL PEST CONTROL BOARD	
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11	·	
12	In the Matter of the Accusation Against:	Case No. 2015-24
13	MARY E. NUNO	
14	3240 Eagle Peak Court Stockton, CA 95212	STIPULATED SURRENDER OF LICENSE AND ORDER
15	Field Representative License No. FR 44550	
16	Respondent.	
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18.	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-	
19	entitled proceedings that the following matters are true:	
20	<u>PARTIES</u>	
21	1. Susan Saylor (Complainant) is the Registrar/Executive Officer of the Structural Pest	
22	Control Board. She brought this action solely in her official capacity and is represented in this	
23	matter by Kamala D. Harris, Attorney General of the State of California, by David E. Brice,	
24	Deputy Attorney General.	
25	2. Mary E. Nuno (Respondent) is representing herself in this proceeding and has choser	
26	not to exercise her right to be represented by counsel.	
27	3. On or about July 20, 2009, the Structural Pest Control Board issued Field	
28	Representative License No. FR 44550 to Mary E. Nuno (Respondent). The Field Representative	

. License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-24 and will expire on June 30, 2015, unless renewed.

JURISDICTION

4. Accusation No. 2015-24 was filed before the Structural Pest Control Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 3, 2014. Respondent timely contacted counsel for Complainant and stated her intention to surrender her license. A copy of Accusation No. 2015-24 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2015-24. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2015-24, agrees that cause exists for discipline and hereby surrenders her Field Representative License (No. FR 44550) for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Field Representative License without further process.

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RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Structural Pest Control Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

- Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- 13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Field Representative License No. FR 44550, issued to Respondent Mary E. Nuno, is surrendered and accepted by the Structural Pest Control Board.

- 1. The surrender of Respondent's Field Representative License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Structural Pest Control Board.
- 2. Respondent shall lose all rights and privileges as a licensed Field Representative in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.
- 4. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2015-24 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$477.50 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Field Representative License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: \- 20 - \\

MARY E, NUNO Respondent

ENDORSEMENT The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Consumer Affairs. Dated: Respectfully submitted, KAMALA D. HARRIS Attorney General of California KENT D. HARRIS Supervising Deputy Attorney General Deputy Attorney General Attorneys for Complainant SA2014118354 11582057.doc